



**THE ATTORNEY GENERAL
OF TEXAS**

October 13, 1989

**JIM MATTOX
ATTORNEY GENERAL**

Honorable H. Tati Santiesteban
Chairman
Natural Resources Committee
Texas State Senate
P. O. Box 12068
Austin, Texas 78711

LO-89-85

Dear Senator Santiesteban:

You ask whether the Town of Socorro may be dissolved under the provisions of chapter 62 of the Local Government Code or whether legislative action is required. Authority for the abolition of all general-law municipalities and of special-law municipalities¹ with no more than 10,000 inhabitants is found in section 62.001 of the Local Government Code. The petition and election procedures are set out in sections 62.002 et seq.

You advise us that the Town of Socorro has an estimated 20,000 inhabitants.² Thus, by its terms the Local Government Code does not apply to Socorro unless the town is a general-law municipality.

The Town of Socorro was incorporated by special act of the legislature in 1871. Act of April 26, 1871, ch. 106; 1871 Tex. Special Laws 176; 6 H. Gammel, Laws of Texas 1314 (1871). No provision was made in this special law for the dissolution of the incorporated town. Despite an attempt in 1886 to organize the town under the general incorporation

1. Section 5.005(a) of the Local Government Code defines a special-law municipality as one which "operates under a municipal charter granted by a local law enacted by the Congress of the Republic of Texas or by the legislature."

2. We understand that the population of Socorro according to the 1980 federal census was 18,000. Records of the municipal clerk reflect a current population of approximately 25,000 inhabitants.

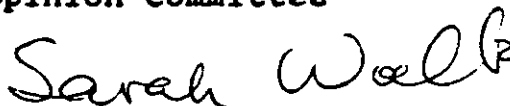
laws, the court in Pence v. Cobb, 155 S.W. 608 (Tex. Civ. App. - El Paso 1913, no writ), regarded Socorro as continuing to exist as a special-law corporation.

As we understand it, there have been several unsuccessful attempts to remove Socorro's incorporated status by election. We are not in a position through the opinion process to determine the status of Socorro as a general-law or special-law municipality. Information drawn from public records and provided to us by the attorney for the city, however, suggests that Socorro continues to operate as a special-law municipality.³ Assuming this to be correct, it is our opinion that chapter 62 of the Local Government Code is inapplicable to a dissolution of the Town of Socorro. The dissolution of this special-law municipality can only be accomplished by legislative action.

Yours very truly,



Rick Gilpin, Chairman
Opinion Committee



Sarah Woelk, Chief
Letter Opinion Section

Prepared by: Karen C. Gladney

APPROVED: Opinion Committee

RG/SW/KCG/er

Ref.: RQ-1784
ID# 7154

3. An order of the county judge abolishing the Town of Socorro is reflected in the El Paso County Commissioner's Court minutes of October 13, 1913. Presumably, this order was made in response to the determination in Pence v. Cobb, supra, that the attempt to incorporate under the general law was void. The same minutes contain a statement that Socorro continued to exist as a municipal corporation under the special act of 1871.